IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.4911 of 2006
Date of Decision: 15.09.2006

Gulab Singh ...Petitioner

Vs.

Rajinder & Ors. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Maharaj Kumar, Advocate,
for the petitioner.

Vinod K.Sharma, J. (Oral)

This revision petition has been filed against an order passed by the learned Trial Court allowing application under Order 1 Rule 10 of the Code of Civil Procedure filed by the applicant-respondents.

Learned Trial Court came to the conclusion that the relief claimed by the plaintiff would directly affect the intervener in the enjoyment of his right. It was also noticed that the Jamabandi for the year 2002-03, application dated 5.5.2005, resolution dated 1.9.2003 and the report of Block Development and Panchayat Officer, Gharaunda show that the land in dispute vests in village Gram Panchayat and as per demarcation report Sarpanch of the village was found in illegal possession of the suit property. Under these circumstances the Learned Trial Court was pleased to allow the application.

Learned counsel for the petitioner contends that as the petitioner has not claimed any relief against the applicant-respondents they could not be impleaded as party as the plaintiff was dominus litus in the suit and could add any person as defendant.

The second contention of the learned counsel for the petitioner is that the gram Panchayat has not proved the sanction. Learned trial Court observed that in any case it cannot be said that the respondents were not necessary party.

Learned counsel for the petitioner thereafter contended that the Gram Panchayat is permitting him to purchase the property. This contention also does not change the situation in view of the fact that one of the allegations of the applicant-respondents was that the Sarpanch is related to the plaintiff.

There is no error in exercise of jurisdiction which may call for interference by this Court in revisional order.

Dismissed.

(Vinod K.Sharma)
Judge

15.09.2006
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